



It's High Time: The Ban On By-Elections Should Be Lifted

Legal Framework for the Ban of By-elections

Statutory Instrument 225A of 2020 guides the suspension of the conduct of by-elections in Zimbabwe. On the second of October 2020, Zimbabwe's vice president and health minister Constantino Chiwenga amended the Public Health Regulations and suspended all by-elections that ZEC had scheduled for the 5th of December of the same year. Unconstitutional as it was, this was however, necessitated by the coronavirus pandemic. All parliamentary and council by-elections were therefore shelved. This stance was not peerless and unique to Zimbabwe alone. Since evidence indicated that the risk for administering by-elections under the Covid-19 pandemic outweighed the benefits, a number of countries; globally, shelved elections, Zimbabwe included, to concentrate on fighting the pandemic, containing its spread and ultimately save lives.

Is Covid 19 still rearing its ugly head to warrant blanket restrictions?

With the easing of the pandemic, most countries have gone back to the drawing board to accord people their democratic right to elect own representatives. Unfortunately, Zimbabwe has not yet lifted the ban on conduct of by-elections. This is regardless of easing most of the regulations and restrictions once imposed during the height of the pandemic. Many lockdown measures have been eased in recent months, and the government has even held face to face public consultations, suggesting that some activities can now resume with health precautions in place.

Queuing to vote in 2018: Illustrative Voting Exercise



Source:<https://www.alamy.com/voters-stand-in-line-at-a-polling-station-at-the-magoba-farm-in-mashonaland-central-during-the-2018-national-elections-on-july-30-2018>

Apparently, the position on conduct of by-elections remains banned. In her presentation to diplomats on the 20th of October 2021, the ZEC Chairperson Honourable Justice Chigumba stated that by-elections remain banned. She explicitly said that *“in terms of S.I. 225A of 2020, issued by the Minister of Health and Child Care, the conduct of by-elections is currently suspended for the duration of the period of the declaration of Covid-19 as a formidable epidemic disease. By-elections can only be held once the said suspension has been lifted.”* What therefore boggles the mind is the reason behind the continued restrictive measure on the conduct of by-elections amidst the resumption of all other face-to-face interactions.

Anti-Sanctions Day in Kwekwe



Source <https://news.pindula.co.zw/2021/10/25/pictures-anti-sanctions-marches-25-october-2021/>

Currently there are 28 vacancies among the elective seats of the National Assembly and 105 vacancies in local authorities. Most of the vacant seats in parliament and municipal councils had previously belonged to the main opposition party, the Movement for Democratic Change Alliance (MDC-A), led by Nelson Chamisa, whose representatives were recalled by a splinter group, the Movement for Democratic Change Tsvangirai (MDC-T). The aforesaid vacancies among the National Assembly and local authorities are not only counter-productive, they are also a restraint on people's freedom to choose their representatives.

Let us note, that the ZEC Chairperson reflected on the preparedness of the Commission to conduct elections once the ban has been lifted. In her speech, *“the Commission stands ready to conduct by-elections once the Statutory Instrument issued by the Minister of Health and Child Welfare suspending the conduct of by-elections is amended to allow for resumption of by-elections”*

ZEC awaits the signal to conduct by-elections and this comes through lifting of the ban. The question that then quickly comes to mind is on the probability of this

move in the soonest time. Is the ban going to be lifted any time soon? While we doubt, we ***STRONGLY RECOMMEND*** that the lifting comes sooner. For, if honestly the ban has been genuinely health related, most restrictions have been eased and there was clamoring of support for the 25th of October 2021, the Anti-Sanctions Day that was adopted by the 39th SADC Summit to offer solidarity to Zimbabwe against the 'illegal sanctions imposed by some western nations.

2021 Anti-Sanctions Day in Kwekwe



Source: <https://news.pindula.co.zw/2021/10/25/pictures-anti-sanctions-marches-25-october-2021/>

On that day, multitudes gathered, there was absolutely no respect to Covid 19 regulations; no sanitizing, no masking up, not even social distancing. If this could go ahead, then the conduct of by-elections

therefore cannot be a chief and stubborn Covid 19 spreader when all other social gatherings are going ahead unhindered.

List of African countries that conducted elections in the midst of the pandemic

From 2020, several countries globally, have resumed elections. A number of African countries have too managed to conduct elections in the midst of the Covid-19 pandemic. South Africa, hardest hit when compared to Zimbabwe will conduct Municipal Elections on the 1st of November 2021.

People are going to be accorded their democratic right to choose leaders. Zimbabwe should therefore learn from experiences of others on how elections can be conducted in the midst of a pandemic. Below is a list of African countries that conducted elections amidst the pandemic. This list is not exhaustive, but it serves as confirmation to the possibility of going for an election and still contain the spread of the Covid 19.

- Presidential elections in Burundi (20 May 2020)
- Presidential election rerun, Malawi (23 June 2020),
- Nasarawa constituency by-election, Nigeria (8 August 2020)

- Senate elections, second round, Egypt (8-9 September 2020)
- Edo state election, Nigeria (19 September 2020)
- Ondo state governorship elections, Nigeria (10 October 2020),
- General elections, Tanzania (28 October 2020)
- By-elections, Parliamentary elections, Egypt (24-25 October and 7-8 November 2020)
- General election, Ghana (7 December 2020),
- General elections, Uganda (14 January 2021)
- Legislative elections, Côte d'Ivoire (6 March 2021)
- Presidential elections, Republic of the Congo (21 March 2021),
- Presidential elections, Zambia (12 August 2021)

About Zimbabwe Rural Youth Development Initiative (ZRYDI)

 Zimbabwe Rural Youth Development Initiative

 zrydinitiative@gmail.com

 RuralYouthInitiative

Zimbabwe Rural Youth Development Initiative (ZRYDI) is a youth servicing organization, established with a special and professional inclination towards the rural youth. Formed and registered in accordance with the laws of Zimbabwe in August 2019, ZRYDI serves to bridge the existing information and civic education gap on socio-economic and civic rights between rural youths and decision makers that has ultimately culminated in disinterest and disengagement by the young women and men in rural areas. By bridging the gap ZRYDI aims to create active rural young women and men who

can participate in shaping and influencing decisions that affects them.

ZRYDI also aims to improve the lives through informed participation in socio-economic and political decision-making processes. ZRYDI's **MISSION** is to empower the rural youth communities to participate in socio-economic and civic rights development; towards a total transformation and improvement of their situations as a marginalized and vulnerable group. ZRYDI **ENVISIONS** a thriving rural community build on the assertiveness of young women and men.